

(File this application via e-docket or if unable to do so, file one original verified application with the Chief Clerk.)

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

Docket No. _____
ICC Office Use Only

ORIGINAL

Please provide the appropriate information in the () areas in the heading below.

(Applicant's Name) :

Application for a certificate of
(local or interexchange) authority :
to operate as a (reseller or facilities :
based carrier) of telecommunications :
services in (list specific area) in the :
State of Illinois. :

04-0792

CHIEF CLERK'S OFFICE

2004 DEC 20 P 12:51

ILLINOIS
COMMERCE COMMISSION

**APPLICATION FOR CERTIFICATE TO BECOME A
TELECOMMUNICATIONS CARRIER**
(Use additional sheets as necessary.)

GENERAL

1. Applicant's Name(including d/b/a, if any)
LightPoint Networks, LLC

FEIN # 83-0351397

Address: 1807 N. Center Street

City Beaver Dam

State Wisconsin

Zip 53916

2. Authority Requested: (Mark all that apply) ☒ 13-403 Facilities Based Interexchange
☒ 13-404 Resale of Interexchange
☐ 13-405 Facilities Based Local

3. Request for waivers/variances: In applications for local exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

☐ Part 710 Uniform System of Accounts for Telecommunications Carriers

Not Applicable

☐ Part 735 Procedures Governing the Establishment of Credit, Billing, Deposits,
Termination of Service and Issuance of Telephone Directories for Local Exchange
Telecommunications Carriers in the State of Illinois

Not Applicable

☐ Section 735.180 Directories

Not Applicable

4. For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following:
- (a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document. **Not Applicable**
 - (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document; **Not Applicable**
 - (c) the Financial Questions for Applicants Seeking Local Exchange Service Authority found in Appendix C of this document; and **Not Applicable**
 - (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document. **Not Applicable**

5. In what area of the state does the Applicant propose to provide service?

LightPoint Networks, LLC seeks authority to provide service throughout the state of Illinois.

6. Please attach a sheet designating contact persons to work with Staff on the following:

- a) issues related to processing this application
- b) consumer issues and customer complaint resolution
- c) technical and service quality issues
- d) "tariff" and pricing issues
- e) 9-1-1 issues
- f) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address.

See Exhibit A.

7. Please check type of organization?

<input type="checkbox"/> Individual	Date corporation was formed	<u>August 20, 2002</u>
<input type="checkbox"/> Partnership	In what state?	<u>Wisconsin</u>
<input type="checkbox"/> Corporation		
<input checked="" type="checkbox"/> Other (Specify): LLC		

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

See Articles of Organization at Exhibit B

See Certificate of Authority to Transact Business in Illinois at Exhibit C

9. List jurisdictions in which Applicant is offering service(s).

LightPoint Networks, LLC currently offers services in Wisconsin.

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

_____ YES (Please provide details) ☒ NO

11. Have there been any complaints or judgements levied against the Applicant in any other jurisdiction?

_____ YES ☒ NO

If YES, describe fully. N/A

12. Has Applicant provided service under any other name?

 YES X NO

If YES, please list: **Not Applicable**

13. Will the Applicant keep its books and records in Illinois? YES X NO

If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

Pursuant to 83 Ill. Code Part 250.40, Lightpoint Networks, LLC requests permission to keep its books and records in the State of Wisconsin due to the special circumstances of its principal place of business being located in Wisconsin. Lightpoint Networks LLC will make its books and records available to the Commission upon request, and will reimburse the Commission for any necessary expenses the Commission should incur seeking to review such information. Pursuant to Sections 250.010, 250.020 and 250.030, if such permission is granted, the filing of this application, and specifically the address given in response to question one of this application, constitutes the required notice to the Commission of the address where Lightpoint Networks, LLC will keep all books, accounts, papers, records and memoranda as are employed in their uniform classification of accounts and/or used in connection with their utility business conducted within the State.

MANAGERIAL

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms. **(See Exhibit D)**

15. List officers of Applicant.

**Merry C. Larkin, Member
LightPoint Networks, LLC
1807 North Center St.
Beaver Dam, WI 53916
Telephone: 1-800-444-4014
Fax: 920-885-2879
Email: mlarkin@powercom.net**

**David M. Larkin, Member
LightPoint Networks, LLC
1807 North Center St.
Beaver Dam, WI 53916
Telephone: 1-800-444-4014
Fax: 920-885-2879
Email: Dlarkin@powercom.net**

**Loren Lamphear, Member
LightPoint Networks, LLC
1807 North Center St.
Beaver Dam, WI 53916
Telephone: 1-800-444-4014
Fax: 920-885-2879
Email: llamphear@powercom.net**

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services? **Yes**

If YES, list entity:

LightPoint Networks, LLC members Merry Larkin and David Larkin currently hold ownership interests in Powercom Corporation. LightPoint Networks, LLC member Loren Lamphear had an ownership interest in LightPoint LLC prior to LightPoint Networks, LLC's acquisition of LightPoint LLC.

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for service and details of the billing statement.)

LightPoint Networks, LLC, will bill its customers monthly using a proprietary billing system. (See example billing statement at Exhibit E)

18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

LightPoint Networks, LLC's customer service representatives are available during normal business hours to handle billing complaints and may be reached toll free at 1-866-544-4822. If the customer service representative receiving a billing complaint call is unable to resolve the complaint, the call will be escalated to a supervisor. If resolution is not possible at the supervisor level, the customer will be informed that they may seek assistance from the Illinois Commerce Commission. For any technical service or repair complaints, customers are to call iNOC Inc. at 1-608-204-0255 anytime, seven days a week 24 hours a day. Additionally, a customer service e-mail address will be provided on all service agreements, collateral material and on the LightPoint Networks website.

19. Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing? ☒ YES ☐ NO

20. What telephone number(s) would a customer use to contact your company?

1-866-544-4822.

21. Will Applicant abide by all Federal and State slamming and cramming laws pursuant to Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?
☒ YES ☐ NO

22. Please describe applicant's procedures to prevent slamming and cramming of customers?

LightPoint Networks, LLC will comply with Illinois law and the recently revised Federal Communication Commission's regulations detailing how carriers may change a Primary Interchange Carrier ("PIC"), pursuant to 47 C.F.R. § 64.110. In general, PIC changes will require customer signature.

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 730, 732, 735, 755, 756, 757, 770, and 772?

Yes, to the extent applicable, and not waived by the Commission

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

☒ YES ☐ NO

FINANCIAL

25. Please attach evidence of Applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service. (See Exhibit F)

TECHNICAL

26. Does Applicant utilize its own equipment and/or facilities? ☒ YES ☐ NO

If YES, please list the facilities Applicant intends to utilize. Also include evidence that Applicant possesses the necessary technical resources to deploy and maintain said facilities:

LightPoint Networks owns 479 miles of fiber between Minneapolis and Chicago, DWDM equipment manufactured by Sorrento Networks, and SONET equipment manufactured by Cisco. In addition to using LightPoint Networks' own facilities, LightPoint Networks, LLC intends to utilize leased facilities from a variety of existing carriers that will vary from time to time as market conditions warrant.

For further information regarding LightPoint Networks' ability to deploy and maintain these facilities, see the biographical information contained in Exhibit D.

If NO, which facility provider(s)'s services does the Applicant intend to use?

See above.

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, data services, local service, prepaid local service).

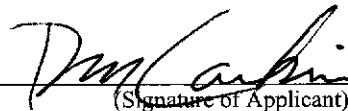
LightPoint Networks intends to provide dedicated transport services to enterprise customers throughout Illinois. Dedicated transport services will be offered on a point to point basis, allowing the customer to connect two locations with nonswitched point to point service. Each dedicated transport service is dedicated to a particular customer, with the entire usable bandwidth for each service available for that customer's exclusive use.

28. Will technical personnel be available at all times to assist customers with service problems?

☒ YES ☐ NO

29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls?

Not Applicable


(Signature of Applicant)

VERIFICATION

This application shall be verified under oath.

OATH

State of Wisconsin)
)ss
County of Dodge)

David M. Larkin makes oath and says that he is a member
(Insert here the name of affiant) (Insert the official title of the affiant)

of LightPoint Networks, LLC
(Insert here the exact legal title or name of the Applicant)

that he has examined the foregoing application and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

David M. Larkin
(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/_____
(Title of person authorized to administer oaths)

in the State and County above named, this 13th day of December, 2004.

Cheryl Ann
(Signature of person authorized to administer oath)

My Commission Expires 4/17/05

